

SENATE BILL 3212  
By Haun

AN ACT to amend Tennessee Code Annotated, Section 13-7-111,  
relative to zoning.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-7-111, is amended by  
designating the current language as subsection "(a)" and by adding the following new language,  
to be designated as subsections "(b)" through "(e)":

- (b) In the event that a zoning change occurs in any land area where such land area was  
not previously covered by any zoning restrictions of any governmental agency of this  
state or its political subdivisions, or where such land area is covered by zoning  
restrictions of a governmental agency of this state or its political subdivisions, and  
such zoning restrictions differ from zoning restrictions imposed after the zoning  
change, then any industrial, commercial or business establishment in operation,  
permitted to operate under zoning regulations or exceptions thereto prior to the  
zoning change shall be allowed to continue in operation and be permitted; provided,  
that no change in the use of the land is undertaken by such industry or business.
- (c) Industrial, commercial or other business establishments in operation and permitted  
to operate under zoning regulations or exceptions thereto in effect immediately  
preceding a change in zoning shall be allowed to expand operations and construct  
additional facilities which involve an actual continuance and expansion of the  
activities of the industry or business which were permitted and being conducted prior

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to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

- (d) Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change; provided, that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business, where such conduct was permitted prior to a change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(e) The provisions of subsections (b) through (d) apply only to land owned and in use by such affected business, and do not operate to permit expansion of an existing industry or business through the acquisition of additional land.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.